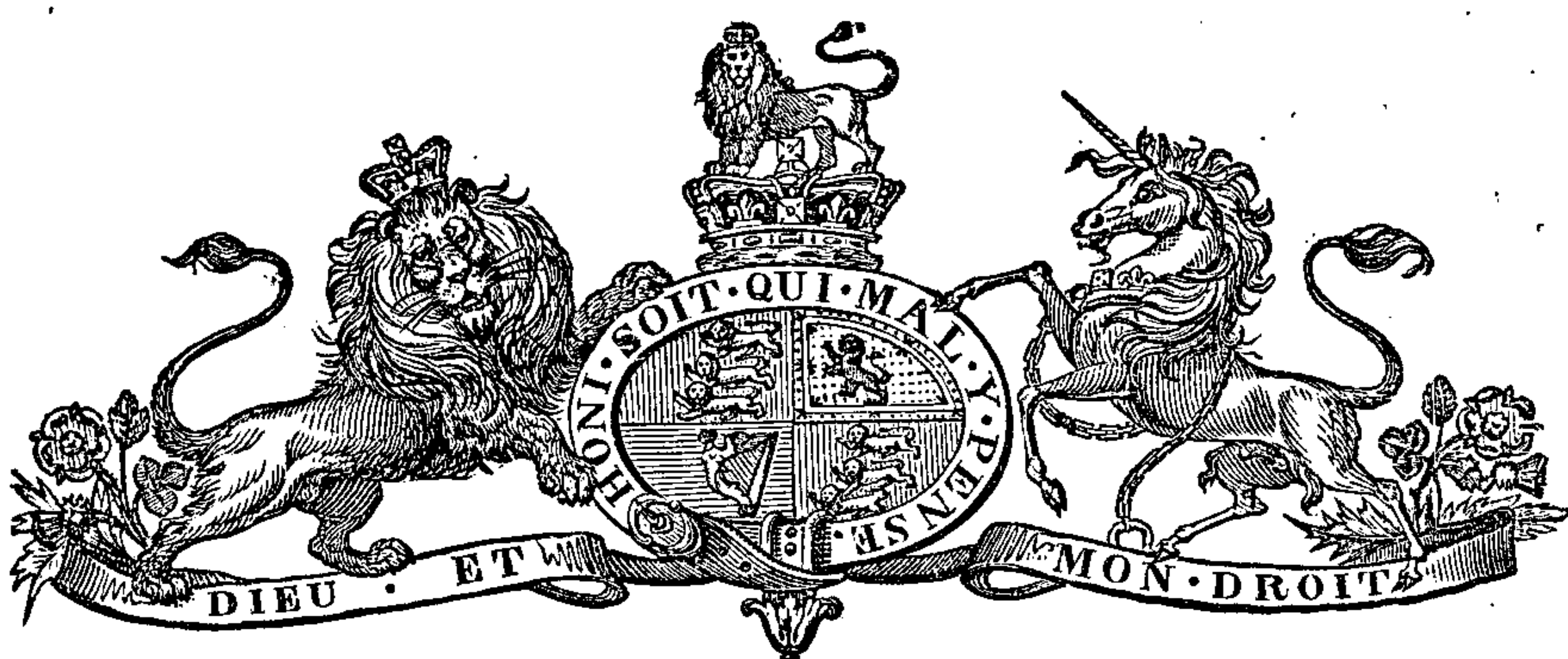




ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. clxxxvi.

An Act for making a Railway from the North-western District of the Metropolis to *Battle Bridge* in the County of *Middlesex*.

[15th *August* 1853.]

WHEREAS a Railway from the North-western District of the Metropolis to *Battle Bridge* would be of great public and local Advantage: And whereas the several Persons herein-after named are willing, at their own Expense, to carry the Undertaking into execution, if authorized to do so: And whereas the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

I. That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," be incorporated with and form Part of this Act, save as to such of the Provisions thereof (if any) as may be expressly altered by this Act.

8 & 9 Vict.
cc. 16. 18.
and 20. in-
corporated
with this Act.

[*Local.*]

37 D

II. That

The North Metropolitan Railway Act, 1853.

Short Title. II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "*The North Metropolitan Railway Act, 1853.*"

Proprietors incorporated. III. That *Bonamy Price, Thomas Edward Dicey, William Malins*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railways herein-after described, with Stations, Works, and Conveniences connected therewith, according to the Provisions of this Act and the Acts incorporated therewith, and for other Purposes herein and in the said Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "*The North Metropolitan Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

Capital. IV. That the Capital of the Company in Shares shall be Three hundred thousand Pounds.

Shares. V. That the Number of Shares into which the said Capital shall be divided shall be Fifteen thousand, and the Amount of each Share shall be Twenty Pounds.

Calls. VI. That Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Ten Pounds *per* Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Three Months at the least shall be the Interval between successive Calls.

Power to borrow on Mortgage. VII. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of One hundred thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital Sum of Three hundred thousand Pounds shall have been subscribed for, and One Half thereof shall have been paid up.

Application of Monies. VIII. That all and every Part of the Monies so to be raised by Shares, or borrowed on Mortgage or Bond, shall be applied only in carrying into execution the Objects and Purposes of this Act.

First General Meeting. IX. That the First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act.

X. That,

The North Metropolitan Railway Act, 1853.

X. That, subject to the Provisions herein-after contained for reducing the Number of Directors, the Number of Directors shall be Six, and the Qualification of each such Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

Number of
Directors.

XI. That the Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, in Person or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body, and the Directors so continued in Office or elected shall continue in Office until the First Ordinary Meeting of the Company so to be held in the Year One thousand eight hundred and fifty-four.

Election of
Directors at
First
Ordinary
Meeting.

XII. That at the First Ordinary Meeting to be held in the Year One thousand eight hundred and fifty-four the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions of "The Companies Clauses Consolidation Act, 1845;" and the several Persons so elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in the Manner provided by "The Companies Clauses Consolidation Act, 1845."

Subsequent
Election of
Directors.

XIII. That it shall be lawful for the Company from Time to Time to reduce the Number of Directors, but the whole Number of such Directors, after any such Reduction, shall not be less than Three.

Power to
reduce the
Number of
Directors.

XIV. That *Thomas Edward Dicey*, *Bonamy Price*, and *William Malins* shall be the First Directors of the Company.

First
Directors.

XV. That the Quorum of a Meeting of Directors shall be Three.

Quorum.

XVI. That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be Two or more Newspapers published in *London*.

Newspapers
for Adver-
tisements.

XVII. And whereas Plans and Sections of a Railway commencing at or near the South End of *Westbourne Terrace* in the Parish of *Paddington* in the County of *Middlesex*, and terminating at or near *Battle Bridge* in the Parishes of *Saint Mary Islington* and *Saint James Clerkenwell*, or some or One of them, by a Junction with the intended Line of Railway from *Battle Bridge* to *Holborn Bridge* and *Holborn*.

Railway to
be made
according to
deposited
Plans, &c.

The North Metropolitan Railway Act, 1853.

Holborn Hill in the City of *London*, showing the Lines and Levels thereof respectively, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of Lands through which the same respectively are intended to pass, have been deposited with the Clerk of the Peace of the County of *Middlesex*: Be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the Company to make and maintain so much of the said Railway as is situate on the Eastern Side of the *Edgware Road* in the Parish of *Saint Marylebone* in the County of *Middlesex* in the Lines and upon the Levels delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose: Provided always, that nothing herein contained shall authorize or be construed to authorize the said Company to enter upon, take, or use any Lands or make and maintain any Railway or Works within the said Parish of *Paddington*.

As to Inter-
ference with
the Streets.

XVIII. That it shall be lawful for the Company, for the Purpose of constructing the said Railway and Works, subject to the Provisions herein-after contained, to appropriate and use the Subsoil of the Streets, Roads, and Highways shown on the said Plans and described in the Book of Reference thereto, except in the said Parish of *Paddington*, and to break up, remove, alter, or interfere with all Water, Gas, and other Pipes thereunder; and, except in the said Parish of *Paddington*, it shall be lawful for the said Company and they are hereby empowered, during the Construction of the Railway and Works by this Act authorized, to cross, alter, stop up, or divert the said Streets, Roads, and Highways, or any of them: Provided always, that in every Case in which the Surface of any Street, Road, or Highway is broken up such Surface so broken up shall be restored to its former Level within Three Months after the same shall have been broken up or interfered with; and that it shall not be lawful to break up or interfere with the Surface of any Street, Road, or Highway after the Expiration of Two Years from the Day when the Surface of any Street, Road, or Highway shall have been first broken up or interfered with under the Powers of this Act.

Lands for
extra-
ordinary
Purposes.

XIX. That it shall be lawful for the Company to purchase for any extraordinary Purposes any Quantity of Land not exceeding Five Acres.

Time for
compulsory
Purchase of
Lands
limited.

XX. That the Powers hereby given for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for
Completion

XXI. That at the Expiration of Five Years from the passing of this Act the Powers by this Act granted to the Company for executing

The North Metropolitan Railway Act, 1853.

cuting the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railway as shall then be completed. of Work limited.

XXII. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Twenty-two thousand five hundred Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Twenty-two thousand five hundred Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the said Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; provided that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Twenty-two thousand five hundred Pounds shall have been executed by the said Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Twenty-two thousand

For securing
Completion
of Under-
taking.

[*Local.*]

37 E

five

The North Metropolitan Railway Act, 1853.

five hundred Pounds if the said Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lord Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Not to interfere with Sewers subject to Survey, &c. of Metropolitan Commissioners of Sewers.

XXIII. That nothing in this Act contained shall extend or be deemed or construed to extend to enable the said Company to execute any Work or do any Act which may interfere with or affect any Sewer, Drain, Watercourse, Weir, Dam, Bank, Pipe, Conduit, Sink, Sluice, Penstock, or Work within the Jurisdiction or subject to the Survey, Order, or Control of the Metropolitan Commissioners of Sewers, or their Successors, now made or existing, or hereafter to be made or to exist, without the Consent in Writing of the said Commissioners or their Successors first had and obtained, or to prevent the said Commissioners or their Successors from executing and carrying out any Works ordered or hereafter to be ordered by them or either of them, as freely, fully, and effectually as if this Act had not been passed; and where any Work to be done under the Powers of this Act shall or may pass under, over, or near to or in such a Direction or Manner as to interfere with any such Sewer, Drain, Watercourse, Weir, Dam, Bank, Pipe, Conduit, Sink, Sluice, Penstock, or Work, the said Company shall not commence such Work until they shall have given to the Metropolitan Commissioners of Sewers or their Successors Ten Days previous Notice in Writing of their Intention to execute such Work, accompanied by a Plan and Section, showing the Cost, Depth, Inclination, and other necessary Particulars thereon,

The North Metropolitan Railway Act, 1853.

thereon, and until the said Commissioners or their Successors shall have signified their Approval of the same, unless the said Commissioners do not signify their Approval, Disapproval, or other Directions within Ten Days after Service of the said Notice, Plan, and Section upon the Secretary of the said Commissioners, or their principal Clerk for the Time being; and the said Company shall comply with and conform to the Orders, Directions, and Regulations of the said Commissioners and their Successors in the Execution of the said Works; and where by reason of the Execution of any Works or the doing of any Acts by the said Company it shall become necessary to alter, divert, reconstruct, or otherwise interfere with any Works of or under or subject to the said Commissioners or their Successors, the said Company shall execute, at their own Cost and Expense, all such Works as shall become necessary thereby, subject to the Control, Superintendence, and Direction of the said Commissioners and their Successors, and shall save harmless and keep indemnified the said Commissioners and their Successors against any Expenses consequent upon any such Alteration, Diversion, Reconstruction, or Interference; and all new, altered, or substituted Works shall be as fully and effectually under the Control of the said Commissioners and their Successors as any other Works under their Control; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested or to be vested in the said Commissioners or their Successors, but that all such Rights, Powers, and Authorities shall be as good, valid, and effectual as if this Act had not been passed.

XXIV. And whereas in the Execution of the Works by this Act authorized the Mains, Pipes, Syphons, Plugs, and other Works belonging respectively to the Company of Proprietors of the *West Middlesex* Waterworks, the *New River* Company, the *Grand Junction* Waterworks Company, and the *Imperial* Gaslight and Coke Company, may be intersected or otherwise interfered with; and it is expedient that such Companies respectively should have full Control over the Execution of all Works in any way affecting the Supply by them of Water or Gas, so as effectually to provide against the Supply thereof being impeded: Therefore all Works, Matters, or Things which under the Provisions of "The Railways Clauses Consolidation Act, 1845," or this Act, the Railway Company may be empowered or required to do or execute, with reference to the Mains, Pipes, Syphons, Plugs, or other Works of such Water and Gas Companies respectively, shall be done and executed by and at the Cost of the Railway Company, but to the entire Satisfaction and under the sole Direction of and in such Manner as shall be required by the Engineer for the Time being of the Company to whom such Mains, Pipes, Syphons, Plugs, and other Works shall belong.

All Works connected with certain Water and Gas Companies to be executed to Satisfaction of their Engineers.

XXV. That

The North Metropolitan Railway Act, 1853.

Penalty for
interrupting
the Supply
of Water
or Gas.

XXV. That if any Interruption whatsoever in the Supply of Water or Gas by the said several Companies or any or either of them shall be in any way occasioned by the said Railway Company, or by the Acts of any of their Contractors, Agents, Workmen, or Servants, or any Person in the Employ of them or any or either of them, the said Railway Company shall forfeit and pay to such of the said Companies whose Supply shall have been so interrupted, for the Use and Benefit of such Company, the Sum of Fifty Pounds for every Hour during which such Interruption shall continue, such Sum to be recovered by such Company in any Court of competent Jurisdiction.

Water and
Gas Com-
panies em-
powered to
lay and
repair Pipes
on Lands of
Railway
Company.

XXVI. That it shall be lawful for the said several Water and Gas Companies, and their respective Engineers, Workmen, and others in their respective Employment, at all Times when it may be necessary, to enter upon the Railway, Lands, and Premises of the Railway Company, for the Purpose of laying and to lay any Mains or Pipes under or over the said Railway, Lands, Works, and Premises, or any Part thereof, and to do all such Works in and upon such Railway, Lands, and Premises as may be necessary for laying, repairing, maintaining, or removing or replacing such Mains or Pipes under or over the same Railway, Lands, and Premises: Provided always, that in so doing the said several Water and Gas Companies, or any or either of them, shall not interrupt the Traffic passing on the said Railway in any Manner for any longer Period than may be absolutely necessary: Provided also, that the Expense of all Repairs or Renewals of the said Pipes or Mains, or any Works in connexion therewith, which may at any Time hereafter be rendered necessary by the Acts or Defaults of the said Railway Company, their Contractors, Agents, Workmen, or Servants, or any Person in the Employ of them or any or either of them, shall be borne and paid by the said last-mentioned Company, and may be recovered against them by the said several Water and Gas Companies respectively in any Court of competent Jurisdiction.

Repairs of
Water
Pipes, &c. to
be borne by
Railway
Company in
certain
Cases.

Deposit of
Money
before
breaking up
Roads in
St. Maryle-
bone Parish.

XXVII. That the said Company shall, before proceeding to break up any Road or Street within the Parish of *Saint Marylebone* in the County of *Middlesex*, pay to the Treasurer of the Vestry of *Saint Marylebone* the Sum of Sixteen thousand Pounds as and by way of Deposit on account of the Sum which the said Company will ultimately have or be liable to pay for or towards the Expense of paving the Portion of the Road known as the *New Road* within the said Parish, and the Footways thereof, which are to be repaved as herein-after provided, and which Sum shall be applied by the Vestry in paying such Portion of the *New Road* and Footway accordingly.

XXVIII. That

The North Metropolitan Railway Act, 1853.

XXVIII. That, notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the said Company shall not break up any Part of any Road or Street within the said Parish of *St. Marylebone* unless Seven Days Notice in Writing, specifying the Portion of the Road or Street, not exceeding Five hundred Yards Run, intended to be broken up, shall have been given to the Surveyor to the Vestry of the said Parish, by leaving the same at the Court House of the said Parish; and no more than Five hundred Yards of any Roadway shall be or continue broken up at any One Time.

Breaking up
Roads or
Streets.

XXIX. That the said Company shall deposit the Subsoil excavated and the Materials of such Road or Street broken up at such Places and in such Manner as will occasion as little Inconvenience as may be to the Inhabitants of the said Parish, and if deposited within the said Parish, at such Place or Places only as the said Surveyor to the Vestry shall approve; and if deposited in any other Parish, in such Place or Places only, with the Consent of the Owners, Lessees, and Occupiers thereof, as any Two Justices of the Peace acting in and for the County in which such Parish shall be situate shall approve.

As to the
Deposit of
Subsoil.

XXX. That the said Company shall make, and during the Construction of their Works maintain, all such temporary Footways, Works, and Conveniences as shall be necessary for the safe and commodious Ingress and Egress to and from the Houses on the Line of the Works of the Company, and for the Preservation and Continuance of an uninterrupted Supply of Gas and Water to the said Houses and to the Roads and Streets, and shall make good all Damage or Injury done to Railings, Vaults, Boundary Stones, Posts, Pillars, Walls, and all other private Property; provided that in case of any Difference respecting the Kind or Number of any such Footways, Works, or Conveniences, or the Dimensions or Sufficiency thereof, the same shall be determined by Arbitration agreeably to the Provisions of "The Railways Clauses Consolidation Act, 1845;" that before the Company shall commence any Works which shall cause a Diversion of Traffic such Diversion shall be approved of by the Surveyor to the Vestry; and the Company shall make temporary Bridges for Carts, Carriages, Horses, or Foot Passengers at all such Places as the Surveyor to the Vestry shall in Writing require.

Company to
construct
temporary
Footways,
&c. during
Construc-
tion of
Works.

XXXI. That the said Company shall, within Three Calendar Months after any Portion of the *New Road* within the said Parish shall have been first broken up, fill up and restore in a well rammed and workmanlike Manner to its former Level the Roadway of such Portion of the said Road, and shall cover the upper Surface of such Portion of the Roadway so restored with a Layer of old broken sifted

As to
Restoration
of Roads
broken up;

[*Local.*]

37 F

macadamized

The North Metropolitan Railway Act, 1853.

macadamized Stone or Gravel of the usual customary Size for such Purposes, to the Depth of Six Inches, for the temporary Convenience of Passengers and Carriages along the said Roadway until the same shall be paved as herein-after provided.

and as to
Streets
broken up.

XXXII. That the Company shall, within Three Months after any other Road or Street within the said Parish shall have been first broken up or disturbed by them, replace and restore the said Road or Street so broken up or disturbed to the Satisfaction of the said Surveyor to the Vestry.

Penalty for
not restoring
Roads, &c.

XXXIII. That if the Company shall not, within Three Calendar Months next after any Road or Street shall have been first broken up or disturbed, other than the said *New Road*, repave or restore such Road or Street as aforesaid, or shall not fill up and restore to its former Level in manner herein-before provided the said Portions of the said *New Road*, for the temporary Use thereof by Passengers and Carriages, the said Company shall for each and every such Neglect forfeit and pay to the said Surveyor to the Vestry, for the Use of the said Parish of *Saint Marylebone*, a Sum of Twenty Pounds for each and every Day after the Expiration of the said Three Calendar Months during which the said Road or Street, other than the said *New Road*, shall remain unpaved and unrestored as aforesaid, or during which any Portion of the *New Road* shall remain unfilled up and unrestored in manner herein-before provided.

As to
Alteration
of Roadway
and Supply
of Water.

XXXIV. That in case the Company, in the Construction of their Works, shall, in the Opinion of the Surveyor to the Vestry, interrupt or interfere with the Supply of Water for watering the Streets in the said Parish, it shall be lawful for the said Surveyor to the Vestry to obtain from the *West Middlesex Waterworks Company*, or some other Company incorporated for the Supply of Water to the Inhabitants of the said Parish, a Supply of Water equal to any Deficiency in the present Supply occasioned by such Interruption or Interference; and the said Company shall make Compensation to the said Vestry for any Damage arising to the said Parish from such Interruption or Interference, and for the Expense which they may incur in obtaining such Supply of Water as last aforesaid, such Damage and Expense to be ascertained and certified by such Surveyor to the Vestry; provided that in case any Difference shall arise as to such Interruption, Interference, Damage, or Expense, or the Amount to be paid in respect thereof, the same shall be settled by Arbitration as aforesaid.

Company to
repair and
reinstale
Streets

XXXV. That the said Company shall reinstate and perfect, to the Satisfaction of the said Surveyor to the Vestry, all Drains and Gullies in the Roads and Streets which shall be broken up, disturbed, or damaged

The North Metropolitan Railway Act, 1853.

damaged under their Authority, or provide such new or other Drains and Gullies as in the Opinion of the said Surveyor shall be rendered necessary by reason of the said Works of the Company, or of such Road or Street having been so taken up, disturbed, or damaged.

broken up,
&c.

XXXVI. That the Company shall pay all Law and other proper Charges and Expenses incurred from Time to Time by the Vestry or their Surveyor in and about the Matters hereby provided for.

Company to
pay certain
Expenses
incurred by
the Vestry.

XXXVII. That it shall be lawful for the said Vestry, at any Time after the Portions of the said *New Road* which shall have been broken up by the said Company shall have been from Time to Time filled up and restored in manner herein-before provided, cause the Road and Footway of the said *New Road* within the said Parish from the *Edgeware Road* to *Osnaburg Street* to be paved in manner following; that is to say, the Roadway, of such Width as the Surveyor to the Vestry may determine, with *Mount Sorel* Granite Blocks, Six Inches by Three Inches, laid on Concrete of not less than Nine Inches deep, and the Footway, also of such Width as the Surveyor to the Vestry may determine, with new Three-inch *York* Paving with a Granite Kerb; and that the Company shall bear and pay Three Fourth Parts of the Contract Price of such paving of the Roadway which shall be accepted by the said Vestry after public Tender, but the Vestry shall not be bound to accept the lowest Tender; and the Company shall also pay Three Fourth Parts of the Expense which shall be incurred by the Vestry in keeping and maintaining the said Roadway of the *New Road* in repair for the Three Years next after the same shall have been so paved as aforesaid; and that the Company shall pay the whole of the Contract Price accepted by the Vestry aforesaid of new paving the said Footway in manner aforesaid, such Expense to be certified by the said Surveyor to the Vestry, and also the whole Expense of keeping and maintaining the said Footway in Repair for Three Years next after the same shall have been so newly paved as aforesaid; and in case the Vestry shall think proper to pave the said Road and Footway otherwise than by Contract, then the Company shall pay according to the lowest Tender made by a Party who in the Opinion of the Vestry is a competent and responsible Person; provided that the said Vestry shall be at liberty, from Time to Time as the Work progresses, to apply for the several Purposes as aforesaid the said Sum of Sixteen thousand Pounds, in such Amounts as they in their Discretion shall think fit, so deposited as aforesaid; and that if the same shall prove to be less than the Three Fourths of the Contract Price payable by the Company as aforesaid, the Deficiency shall be paid by the Company to the Vestry; and if the said Sum shall prove to be more than the several Sums so payable by the Company,

Power to
Vestry to
cause Road
and Foot-
way to be
paved in
manner
herein
directed.

The North Metropolitan Railway Act, 1853.

Company, the said Company shall be entitled to receive from the Vestry the Surplus.

No Stations
to be
erected
within 100
Yards of the
Churches.

XXXVIII. That the said Company shall not, without the Permission in Writing from the Vestry, signed by their Clerk, erect or have or place for public Use any Station for Passengers or Goods within One hundred Yards of the Parish Church of *St. Marylebone* or the Church of the *Holy Trinity* within the said Parish.

Company to
be subject
to Pro-
visions of
the Metro-
polis Paving
Act 59 G. 3.
c. 57.

XXXIX. That, anything in any of the Acts herein-before incorporated with this Act contained, or in this Act contained, to the contrary notwithstanding, the Company shall, after Completion of their Works, be subject to the several Clauses of the Twenty-ninth Chapter (Local) of Statute of the Fifty-seventh Year of *George the Third*, entitled *An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstruction therein*, referring to Water or Gas Companies, after the Completion of their Works, in like Manner as if such Clauses referring to Water and Gas Companies referred to Railway Companies; also that the Vestry shall, upon Demand, send to the Office of the Company the Name of their Surveyor for the Time being, and such Surveyor shall be the Surveyor of the Vestry for the Purposes of the aforesaid Provisions.

Tolls.

XL. That it shall be lawful for the Company to demand any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

In respect to the Tonnage of all Articles conveyed upon the Railway or any Part thereof, as follows:

For all Coals, Coke, Ironstone, Iron Ore, Pig Iron, Rod Iron, Bar Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets and rolled Iron, Limestone, Lime, Bricks, Salt, Sand, Fireclay, Cinders, Slag, and Stone, *per Ton per Mile* One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Farthing:

For all Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of public Roads or Highways, and for heavy Iron Castings, including Railway Chairs, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Culm, Charcoal, and all Stones for building, pitching, and paving, all Tiles, Slates, and Clay (except Fireclay), Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, and for light Castings, *per Ton per Mile* Threepence; and

The North Metropolitan Railway Act, 1853.

and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Fourpence ; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Mile not exceeding One Penny :

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform not belonging to the Company, *per* Mile not exceeding Fivepence :

And a Sum of Twopence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which such Carriage may weigh :

In respect of Passengers and Animals conveyed in Carriages on the Railway, as follows : Tolls for Passengers and Cattle.

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, or for every Ox, Bull, Cow, or Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Threepence ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny :

For every Calf or Pig, Sheep or Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

XLI. That the Toll which the Company may demand for the Use of Engines propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken. Tolls for propelling Power.

XLII. That the following Provisions and Regulations shall be applicable to the fixing of such Tolls ; (that is to say,) Regulation as to the Tolls.

For Articles or Persons conveyed on the Railway for a less Distance than Two Miles the Company may demand Tolls and Charges as for Two Miles :

For a Fraction of a Mile beyond Two Miles, or beyond any greater Number of Miles, the Company may demand Tolls as for One Mile :

[*Local.*]

37 G

For

The North Metropolitan Railway Act, 1853.

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton :

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight :

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton, and so in proportion for any smaller Quantity.

Tolls for
small
Parcels and
Articles of
great
Weights.

XLIII. And with respect to the small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of the Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels the Company may demand any Sum which they think fit, not exceeding the Rates following :

Not exceeding in Weight Seven Pounds, Threepence; exceeding Seven and not exceeding Fourteen Pounds, Fourpence; exceeding Fourteen and not exceeding Twenty-eight Pounds, Eightpence; exceeding Twenty-eight and not exceeding Fifty-six Pounds, One Shilling; exceeding Fifty-six and not exceeding Five hundred Pounds, such Sum as they think proper: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per Ton per Mile* :

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Passengers
Luggage.

XLIV. That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

XLV. That

The North Metropolitan Railway Act, 1853.

XLV. That the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and for every other Expense incidental to such Conveyance, shall not exceed the following Sums:

Maximum
Rate of
Charges for
Passengers.

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, the Sum of Twopence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile.

XLVI. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, be it enacted, That the maximum Rates of Charge to be made upon the Railway by the Company, including the Tolls for the Use of the Railway, and Waggon or Trucks, and locomotive Power, and every Expense incidental to such Conveyance (except the loading and unloading of Goods, where such Service is performed by the Company), shall not exceed the following Sums:

Maximum
Rates of
Charges for
Cattle,
Goods, &c.

For every Horse, or other Beast of Draught or Burden before classed with Horses, the Sum of Fivepence *per* Mile:

For Cattle, the Sum of Twopence *per* Head *per* Mile:

For Calves and Pigs, the Sum of One Penny each *per* Mile:

For Sheep and small Animals, Three Farthings each *per* Mile:

For every Carriage, the Sum of Sevenpence *per* Mile:

For Coals, Coke, Ironstone, and other Articles herein-before classed therewith, the Sum of Twopence *per* Ton *per* Mile:

For Manure, and other Articles herein-before classed therewith, the Sum of Twopence *per* Ton *per* Mile:

For Sugar, and other Articles herein-before classed therewith, the Sum of Threepence *per* Ton *per* Mile:

For Cotton, and other Goods and Articles herein-before classed therewith, the Sum of Fourpence *per* Ton *per* Mile:

Provided nevertheless, that it shall not be lawful for the Company, or for any other Company or Person using the said Railway, to convey thereon any Cattle, Goods, or Articles, (except small Parcels and Passengers Luggage,) until the Consent for that Purpose of the Board of Trade shall have been obtained, and then only and in such Manner and subject to such Regulations and Restrictions as such Board may from Time to Time sanction or direct; nor shall the Company be compelled, until such Consent be given, to carry small Parcels exceeding Two hundred and twenty-four Pounds in Weight.

XLVII. That the Restriction as to Charges to be made for Passengers shall not extend to any Train that may be required to be run upon the said Railway, but shall apply only to every other Train appointed

Restriction
as to
Charges not
to apply to
special
Trains.

The North Metropolitan Railway Act, 1853.

appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Company
may take
increased
Charges by
Agreement.

XLVIII. That nothing herein contained shall be held to prevent the said Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, other than small Parcels, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Not to in-
terfere with
subter-
ranean
Passage in
Park
Square, &c.

XLIX. That in the Construction of the said Railway or any Works connected therewith the Company shall not interfere in any Manner whatsoever with the subterranean Passage or Tunnel leading from the Garden in *Park Square* in the Parish of *Saint Mary-lebone* to the Garden in *Park Crescent* in the same Parish; and the Works of the Company under such Passage or Tunnel shall be executed to the Satisfaction of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and of the Commissioners appointed or to be appointed by virtue of the "Crown Estate Paving Act, 1851."

Not to in-
terfere with
Land, &c.
under
Charge of
Commis-
sioners
acting under
14 & 15
Vict. c. 95.

L. That nothing contained in this Act shall extend to authorize the Company to take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments under the Charge and Management of the Commissioners appointed or to be appointed by virtue of "The Crown Estate Paving Act, 1851," without the Consent of the same Commissioners for that Purpose first had and obtained, or to divest or prejudice any of the Rights, Powers, or Privileges vested in or enjoyed by such Commissioners.

Not to
authorize
Company to
take Land,
&c. belong-
ing to the
Crown,
without
Consent of
the Com-
missioners of
Woods, &c.

LI. That nothing whatsoever contained in this Act or in any of the Acts herein referred to shall extend to authorize the said Company to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors.

LII. That

The North Metropolitan Railway Act, 1853.

LII. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised; but nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not
to be paid
on Calls
paid up.

LIII. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Deposits for
future Bills
not to be
paid out of
the Com-
pany's
Capital.

LIV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the same Reign, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railways and Works, or the Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Works, and Company, so far as the same are applicable.

Railway and
Company to
be subject to
Provisions of
1 & 2 Vict.
c. 98.,
3 & 4 Vict.
c. 97.,
5 & 6 Vict.
c. 55.,
7 & 8 Vict.
c. 85.,
9 & 10 Vict.
c. 57., and
14 & 15 Vict.
c. 64.

The North Metropolitan Railway Act, 1853.

Railway not
exempt
from Pro-
visions of
future
General
Acts.

LV. That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made, or the Company, from the Provisions of any General Act relating to such Act, or of any General Act relating to Railways, or the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act, or of Rates for small Parcels.

Expenses of
Act.

LVI. That all the Costs, Charges, and Expenses of and incidental to the obtaining of this Act, and preparatory thereto, shall be paid by the Company.

Interpre-
tation of
Terms.

LVII. That in this Act the Expression "the Company" shall mean the Company by this Act incorporated, and the Word "Railway" shall mean and include the Railways and Works by this Act authorized to be made.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1853.